IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition Nos.10226 & 10294 of 1998

Dated: 14-06-2007

W.P.No.10226/1998

Between:

The President, I.D.P.L. Workers Housing Society,
rep. by its Secretary.

... Petitioner

and

1. Inam Tribunal-cum-Revenue Divisional Officer,
   Chevella, Ranga Reddy District and another.

... Respondents

W.P.No.10294/1998

Between:

C.B.C.I.D. Officers Cooperative Housing Society Ltd.,
rep. by its Secretary.

... Petitioner

and

1. Inam Tribunal-cum-Revenue Divisional Officer,
   Chevella, Ranga Reddy District and another.

... Respondents

COMMON ORDER:

As the point involved in both the writ petitions is one and the same, these writ petitions are heard and disposed of by this common order.

2. Initially, the legal heirs of Kurshid Jah Paigah filed O.S.No.41 of 1955 on the file of the City Civil Court, Hyderabad for partition and separate possession of the private properties belonging to late Kurshid Jah Paigah and the said suit was subsequently transferred to this Court and numbered as C.S.No.14 of 1958. In the said suit, this Court had given a finding that plaintiffs had come into possession of the schedule properties through the heirs of Kurshid Jah Paigah, who was stated to be the owner of the schedule land. Thereafter, the Government initiated Land Grabbing proceedings in L.G.C.Nos.1 to 6 of 1990 before the Land Grabbing Court and respondents therein have taken a plea that when once the issue is settled and this Court has given a finding that it is a land of the heirs of Kurshid Jah Paigah, who was said to be the owner of the said land, the question of again deciding the same and giving a finding that respondents therein are land grabbers will not arise. In the light of the said contention, the Land Grabbing Court framed the issues and the main issues are as follows—

1) Whether the said findings in C.S.No.14 of 1958 that the said land belongs to the heirs of Kurshid Jah Paigah operates as *res judicata* or not? and

2) Whether the said lands are inam lands?

The Land Grabbing Court went in detail into the matter and ultimately gave a finding that the said finding in C.S.No.14 of 1958 operates as *res judicata* and as such the land grabbing proceedings could not

have been initiated on the premise that they are inam lands. However, the Land Grabbing Court further gave a finding that the lands in question are inam lands.

3. Aggrieved by the said findings, the Government filed a writ petition and respondents therein also filed another writ petition, as they are aggrieved by the finding that the lands in question are inam lands.
A Division Bench of this Court in W.P.Nos.9122 of 1998 and batch, having gone into the matter in detail has observed that the Land Grabbing Court having decided that the judgment in C.S.No.14 of 1958 operates as
res judicata, ought not to have gone into the aspect as to whether they are inam lands or private properties. Further, it accepted the finding of this Court in C.S.No.14 of 1958 that it is the properties of Kurshid Jah Paigah, who was said to be the owner of the schedule lands. Be that as it may,
on a claim petition in Form No.1 submitted by second respondent – Mandal Revenue Officer under Section 3(2)(b) of Andhra Pradesh (Telangana Area) Inam Abolition Act (for short, 'the Act') to declare the lands in Sy.No.145 in an extent of Acs.220-10 gts. and in Sy.No.163 an extent of Acs.175-06 gts. situated at Hydernagar Mandal, as Government lands vested with the Government, the Inams Tribunal/Revenue Divisional Officer, Chevella initiated proceedings under the Act and passed an order on 25-03-1998 directing the petitioners to appear before him. The said order is challenged in these writ petitions.

4. Despite the fact that notices are served, respondents have not chosen to file any counter affidavits.

5. Heard learned counsel for the parties.

6. When once the matter is decided and it is ultimately held that the heirs of Kurshid Jah Paigah are the owners of the schedule lands and the same is approved by a Division Bench of this Court in a batch of writ petitions, the Mandal Revenue Officer, in my considered view, ought not to have filed a claim petition before the Inams Tribunal as if the lands in question belong to inam lands and the Government is the absolute owner of the said lands. Hence, this Court has no hesitation to hold that the said initiation of proceedings by the Inams Tribunal is bad in law. Accordingly, the order dated 25-03-1998 is hereby set aside and the proceedings initiated by the Inams Tribunal/Revenue Divisional Officer are held to be without jurisdiction.

7. Accordingly, the writ petitions are allowed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.14-06-2007
GLV